





# KENTUCKY LEGISLATURE.

IN SENATE.

WEDNESDAY, January 28, 1846.

Prayer by Rev. Mr. HUNTER.  
The Clerk read the Journal of yesterday.  
(A message from the House of Representatives announcing its action on sundry bills.)  
Petitions were presented by Messrs. GRAY, HOLLOWAY, BUTLER, EVANS, THOMAS, SOUTH and DRAFFIN.  
Mr. EVANS had leave to introduce a bill to amend the laws concerning the town of Bowlinggreen: referred to a select committee.

## REPORTS FROM STANDING COMMITTEES.

Mr. PEYTON, from the committee on the Judiciary, a resolution rejecting the petition of Samuel Fox and others: adopted.

Also, a resolution rejecting the petition of Martha Carson: adopted.

Also, a bill to amend the laws regulating duties of Clerks of Courts: makes it the duty of Clerks to record deeds, &c., left unrecorded by predecessors: passed.

(A message from the Governor, by Mr. Secretary HARDIN, nominating sundry militia officers: rules dispensed and confirmed.)

\* Also, a bill for the benefit of Elizabeth Thompson, and her infant children: passed.

Also, a bill to change the name of Wm. M. Gray to William M. Medlock: passed.

Also, a bill for the benefit of Allannah Cole: passed.

Mr. WALKER, from the committee on Propositions and Grievances, a bill for the benefit of Henry H. Phillips: allows him to bring in a slave from Missouri: passed.

Mr. DRAFFIN, from the committee on Religion, that the H. R. act divorcing Benj. F. Griffith from his wife, Mary Ann, ought not to pass: the Senate overruled the report of the committee, and the bill passed.

Also, that the H. R. act divorcing Tho. Stark from his wife, Nancy, ought not to pass: bill rejected.

Mr. DYER, from the committee on Internal Improvement, a bill establishing a road in Madison and Garrard counties: passed.

Also, a H. R. act to repeal, in part, the acts chartering the Louisville and Elizabethtown Turnpike Company, &c., with an amendment as a substitute therefor, amending instead of repealing the said acts: concurred and passed.

Mr. HELM, from the committee on the Sinking Fund, a bill for the benefit of the Kentucky Institute for the Education of the Blind, with amendments, providing that \$3500 of the dividends on Bank stock, held by the Board of Education, be placed to the credit of the Institute, and after the first of January, 1847, all such dividends shall be placed to the credit of the Commissioners of the Sinking Fund, and paid into the Treasury, to be drawn for by the Superintendent of Education, as other moneys drawn by him for purposes of education.

The amendments proposed by the committee were concurred in.

Mr. PEYTON moved an amendment, in lieu of the first section as amended, appropriating \$1920 78 instead of \$3500, &c.: negatived, yeas 9, nays 21, as follows:

YEAS—Messrs. Conner, Heady, Henderson, James, Marshall, Newell, Peyton, South and Walker—9.

NAYS—Messrs. Ballard, Alfred Boyd, Bradford, Bradley, Bramlette, Butler, Chenault, Crenshaw, Draffin, Dyer, Evans, Fox, Gray, Harris, Helm, Holloway, Key, Slaughter, Swope, Taylor, Thomas, Thurman, Todd and Woodson—24.

The bill, as amended, then passed.

## ORDERS OF THE DAY.

A bill to modify the law of 1833, prohibiting the importation of slaves into this State as merchandise.

Mr. HARRIS moved that the Senate go into committee of the Whole on the bill: agreed to.

Mr. BRADFORD in the Chair.

Mr. HELM moved, as a mere test question whether the committee would thoroughly consider the bill, that all, after the enacting clause, be stricken out: negatived.

Mr. EVANS moved an amendment, exempting persons having heretofore violated the provisions of the law of 1833, from its penalties.

Mr. FOX moved that the committee rise: negatived.

Mr. EVANS withdrew his amendment.

Mr. HARRIS moved an amendment, correcting a slight clerical error in the bill: adopted.

Mr. HARRIS moved that the committee rise, and report the bill and amendment to the Senate: agreed to.

The SPEAKER resumed the Chair, when Mr. BRADFORD, from the committee of the Whole, reported back the bill and amendment.

The Senate concurred in the amendment.

(Mr. A. BOYD, from the committee on Enrollments, reported sundry bills, which were signed by the Speaker.)

The Senate then resumed the bill to modify the act of 1833, prohibiting the importation of slaves.

Mr. NEWELL moved that the bill lie on the table, and debate the yeas and nays thereon.

Mr. CHENAUET moved that the Senate adjourn: negatived.

And the question being taken on laying the bill on the table, it was decided in the affirmative, yeas 17, nays 16, as follows:

YEAS—Messrs. Bradford, Butler, Chenault, Crenshaw, Dyer, Fox, Henderson, Holloway, Key, Newell, Patterson, Slaughter, Swope, Taylor, Thomas, Todd, and Woodson—17.

NAYS—Messrs. Ballard, A. Boyd, Bradley, Bramlette, Conner, Draffin, Evans, Gray, Harris, Heady, Helm, James, Marshall, Peyton, Thurman and Walker—16.

And then the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, Jan. 28, 1846.

Prayers being said and the Journal read.

Petitions, &c., were presented by Messrs. BOTTS, GLENN, G. BOWLING, ANTHONY, HUGHES, E. SMITH, SPEED, and HUNTON; which were severally received, &c., and referred.

A Senate message by Mr. Secretary KOHLHASS, now reported the action of that body on sundry bills, &c.

Mr. L. COMBS, by consent, reported from the committee on Ways and Means, a bill to regulate the appointment and duties of Commissioners of tax; which was made the special order for Monday next, and ordered to be printed.

Mr. J. S. SMITH entered his motion to reconsider the vote of yesterday by which the bill for the benefit of Fox and others, was lost.

On motion of Mr. HARLAN, the rules were dispensed for that purpose, and the resolution requiring the House to meet at 9 o'clock in the morning, was rescinded.

Mr. WORTHAM moved to suspend the rules for the purpose of allowing him to offer a resolution to change the time of meeting from ten o'clock to half-past nine: which was rejected.

The Clerk then recited the unfinished business, to-wit:

A bill for the benefit of Henry Blanton, Robert

Snell, and their securities, reported yesterday from the committee on the Sinking Fund; and the amendment of the gentleman from Todd, (Mr. Glenn), and the question, to-wit: the motion of the gentleman from Montgomery, (Mr. Peters) to refer the subject with instructions to the committee on the Judiciary.

But the amendment and the motion being withdrawn.

Mr. HARDY apprehended, that by the passage of this bill, the Commonwealth would be made responsible for the amount of the estate of Coster: should his heirs ever appear.

Mr. WALLER explained—affirming that the effect of the bill would be simply to relieve these administrators on the estate of Coster from the judgment obtained against them in behalf of the Commonwealth, and to place them on precisely the same footing that they were before the passage of the law of 1840.

Mr. HARDY, however, adhered to his apprehensions; and on his motion the bill was referred to the committee on the Judiciary.

Mr. BROWN, from the committee on the Library, to whom had been referred the bill for the benefit of Nathan Marsh, reported a substitute, to-wit:

A bill authorizing the Secretary of State to furnish certain Justices of the Peace with Morehead and Brown's Digest: which was read, &c.

Mr. HEAD proposed to amend by furnishing the same books to L. D. Orr and H. Graham, Justices of the Peace for Hopkins county.

Mr. HUGHES proposed to furnish the books to Hannan J. Ashley, a Justice of Union county.

Mr. MOORE proposed to furnish the books to Noah Pinkton, John McIntyre, and J. Moore, Justices of the Peace for Washington county.

Mr. S. STONE proposed to furnish the books to Archibald Setters.

Mr. HEADLEY proposed to amend by a section providing that the Clerk of the Circuit and County Courts of Crittenden be furnished with a copy of A. K. Marshall's Reports, and a copy of Little's Selected Cases.

Further motions to furnish Justices with Morehead & Brown were submitted by Messrs. HUNTON, L. COMBS, COX, PETERS, POPE, EVANS, E. SMITH, MAYES, J. T. SMITH, and MILLS: which were severally sent to the Clerk's table; and the bill and amendments were again referred to committee.

## COMMITTEE ON PROPOSITIONS AND GRIEVANCES.

Mr. KELLY, from the committee on Propositions and Grievances, reported a bill to extend the limits of the town of Hopkinsville: which was read, &c., and passed.

Mr. K., from the same committee, reported a bill to establish and incorporate the town of Fairview—situated partly in the county of Christian, and partly in the county of Todd: which was read, &c., and passed.

Mr. S. STONE, from the same committee, to whom had been referred the petitions and papers on that subject, reported a bill to establish the county of —, with the expression of the opinion of a majority of the committee that the bill ought to pass.

The following are the proposed boundaries, to-wit: Beginning where the old road from Eddyville to Hopkinsville crosses the Trigg county line; and running thence in a straight line to the house of John Boyd, on the turnpike road leading from Princeton to Eddyville; thence in a straight line to Livingston creek, at Old Centerville, where the main road from Princeton to Salem crosses said creek; thence with said creek to the Cumberland river; thence crossing said river and running with the Livingston county line to the Tennessee river; thence with said river to the Trigg county line; and thence with said line to the place of beginning—so making a division of Caldwell county.

The question being, shall the bill be engrossed and read a third time?

Mr. S. STONE, summing up the claims of the petitioners for the new county, submitted the following statements: The people, seeking to be set apart as the new county, had been petitioning for that object since the year 1820. The territory proposed for the new county included about one thousand voters; and a portion of them resided from twenty-five to thirty miles from the present Seat of Justice. The net annual revenue of the county of Caldwell (proposed to be divided) was over \$1000. That portion of the new county proposed to be thus set off, was fast improving, &c., and there were one thousand and sixty-three petitioners for this object, and six hundred remonstrances against it.

Mr. KELLY had no personal interest in the question; but he believed it would be bad policy to the State, for he apprehended, from an examination of the evidence in the case, that the new establishment would be an expense upon the Treasury—a poorer county; and as a reason for this apprehension, he said, that the net revenue of the county proposed to be divided (Caldwell) was but \$932, according to the Auditor's Report. I spoke, of course, with deference to the opinions of those who differed with him. There were six out of the seven members of the committee willing to report the bill; but there were two besides himself, in that committee, who would probably vote against it.

Mr. CLARKE was then heard at length in favor of the measure—offering numerous conclusions which induced him to support the bill; and reading also many statistics, together with favorable statements and opinions by the Sheriff of Caldwell county.

Mr. J. T. SMITH proposed to amend by filling the blanks in the bill so that the new county shall be called the county of Underwood: which was adopted.

Mr. MAYES then called for the reading of the remonstrance against the measure, and other voices called for the reading of the petition: which being read accordingly, Mr. M. was heard in behalf of the remonstrants—speaking for some time in opposition to the bill, and to the whole matter of increasing the number of the counties. And after going through with the history of county divisions, and after referring particularly to each county that had been pauperized by the practice, he made a calculation, which resulted in the total sum of \$7,837 32, which he said was now taken annually out of the Treasury to foster this reckless disposition to cut up and divide. Nor had these things been done for the advantage of the State: but they had been carried for the accommodation of individuals; and gentlemen excused themselves, by saying, "I voted for that object to accommodate you, and you. I was a local matter; and because you supported it, I supposed it right," &c. Mr. M. concluded with the observation, that this system of county making was the sorest and most blighting system of disorganization which the State had ever been cursed with.

Mr. DALLAM, from the Enrollments committee, now reported sundry bills as correctly enrolled, &c., and they were signed by the Speaker.

Mr. HARLAN, by consent, now obtained leave of absence a few days for the gentleman from Bourbon, (Mr. Duncan).

Mr. GEO. BOWLING. When his voice became audible at the reporter's desk, he was replying to the gentleman from Graves, (Mr. Mayes), and confining himself to what that gentleman had said with reference to pauper counties. Mr. B. said that men were every where liable to poverty. It had been so from the beginning; and therefore, as he looked upon it, poverty was not a disgrace. There were many poor in his county; and he admitted that they were an expense to the treasury. But if his figures

were right, the single speech of the gentleman from Graves had cost the State as much as the annual drawback of any one of our pauper counties.—[Laughing.] Mr. B. was this kind of a man—disposed always to regard others according to their merit. A poor man might be honest, and he would give him credit for it. And, to gentlemen from the stronger and more wealthy counties, he quoted a saying of the good book—"The strong should bear the infirmities of the weak." [More laughing.] The gentleman represents that his county pays into the Treasury \$203 or "four" dollars of revenue. From this Mr. B. supposed that the gentleman from Graves was not in the habit of making many speeches at home; for if he were to travel much and make many such long speeches as he had exhibited here, his county would not pay much revenue next year. [Roars of laughter.] Mr. B. concluded by signifying his disposition to vote for the bill, for considerations which the reporter did not hear.

Mr. MAYES did not rise to reply, [a voice, louder] to the gentleman from Breathitt; but merely to say, that in his reference to the pauper counties, he had not spoken disparagingly of any, nor intended to detract aught from the county of Breathitt, or from its honorable representative. He had only stated facts, from which a conclusion might be drawn as to the propriety of forming other new counties. Neither his remarks nor his argument could have been understood as disrespectful, even by the gentleman from Breathitt himself.

Mr. STONE was heard again in favor of the bill; and then, under the operation of the previous question, it was ordered to be engrossed and read a third time: and the third reading being dispensed.

Mr. DALLAM was heard in opposition to the measure; and Mr. A. JOHNSTON, in its favor.

When the question was taken on the passage of the bill, and decided in the affirmative—yeas 52, nays 36; as follows, to-wit:

YEAS—Mr. Speaker, Messrs. Abbott, Barlow, Bowling, Brecken, Brown, Brooks, Cosma, Clarke, Cleveland, Conner, Desha, Dudley, Elliott, Falls, Gano, Gardner, Glenn, Glover, Haggard, Hardy, Hay, Head, Headley, Howell, Hutton, D. B. Johnson, A. Johnston, Lapsley, Layne, Maxey, McKellup, Mills, Murray, Orndorff, Orr, Rodman, Root, Seaton, Shawhan, Short, E. Smith, Joseph Smith, Sparks, Speed, Stevenson, B. Stone, S. Stone, A. W. Thomas, Walker, Waller, and Whitlock—52.

NAYS—Messrs. Alexander, Bales, Barnett, Batts, Clark, J. Combs, L. Combs, Cox, Dallar, Darnaby, Evans, Ford, Gore, Harlan, Hughes, Jackson, Jones, Kelly, Mason, Mayhail, Mayes, McCampbell, Miller, Peters, Pope, Priest, Railey, Reid, Riley, J. Speed Smith, Wm. Thomas, Thurston, Wallace, Wheat, Whitsett and Wortham—36.

Mr. J. SPEED SMITH, now offered a resolution to the following effect, which was adopted, to-wit:

Resolved, That the committee on Internal Improvement be instructed to inquire and report to this House, whether efforts are being made, or have been made, to appropriate to individual use, by laying warrants on the bed of the Kentucky river, or other navigable streams in this Commonwealth, where the same have been recovered from the water by means of the public improvements.

Mr. J. S. SMITH, in accordance with the notice given and entered this morning, now called up the motion of the gentleman from Rockcastle, to-wit: to reconsider the vote of yesterday, by which the bill for the benefit of George W. Fox and others, was lost on the second reading; and the question being taken thereon, it was decided in the affirmative.

So the vote was reconsidered.

And then the House adjourned.

## REMARKS OF MR. COX,

OF FLEMING.

On the bill to provide for taking the sense of the people of this Commonwealth as to the expediency of calling a Convention. Delivered in committee of the Whole, House of Representatives, Jan. 28, 1846.

(concluded.)

The gentleman from Franklin (Mr. Harlan) said so far as any demand at all had been made for a Convention, it had come alone from the abolitionists of Louisville. I will leave the vindication of that proud and intellectual city to her talent and faithful representatives on my right. I object to the unnatural connexion attempted to be established between the measure under discussion and the odious and execrable doctrine of abolitionism.

There is no affinity between the two subjects. I have no affection, Mr. Chairman, for the doctrine or advocates of abolition. I was born in the old Dominion, and from an early age, have lived in this, the land of my adoption. I know of no institutions by practical acquaintance, where slavery is not recognized. I would be the last to promote the fanaticism and false philanthropy of the north which would set the slaves free and leave them amongst us. I believe it would be the greatest calamity which could befall us as a nation. And whilst I state, thus clearly my own position, I think I can safely say I correctly describe the feelings and position of all who agree with me in supporting the bill before the committee. The gentleman from Franklin, (Mr. Harlan,) said that it was strange the people should not have imagined their grievances as soon as their representatives. And he insinuated that those who advocated this measure would not disclose their real motives. Sir, said Mr. C., if I were an abolitionist, I would avow it in the face of, and in defiance of every opposition. I believe that every man in this government has the right to assert his own principles and opinions. And if he should be crushed beneath the odium attached to them, he falls a victim for doing that which his opposers do in accomplishing his overthrow. He that would declare one set of opinions, whilst he secretly entertains others which are contradictory, is a dastard at heart, and should be scorned and execrated by every honest man. The gentleman from Franklin, (Mr. Harlan,) in the exuberance of his humour, had attempted to ridicule this subject by representing that the people in reference to this question were in the predicament of a client who never found out he was hurt so badly till he was told by his lawyer.

I have heard, said Mr. C., of another clan of lawyers who were never able to discover the desperation of their client's cause until the hopes they had unwittingly inspired were dissipated by the verdict of a jury. I will not say the gentleman belongs to this clan of lawyers, but as a politician, I think he is not likely to find out any of the grievances of the people while he adheres to the opinions he has expressed in behalf of old forms and constitutions. I am of the opinion that wisdom would direct us to make amendments to our Constitution at a time when there is no great political excitement. At a time when the mind of the people had not been carried away by the lead of demagogues. It was at such times that the representative should obey without hesitation the demand of his constituents, giving honest heed to the calm voice of reason. When excitement runs high, the people are in danger of being misled by interested and ambitious demagogues, even at the sacrifice of the great principles of Republican institutions. The gentleman from Franklin, (Mr. Harlan,) recites the history of the old Constitution. In 1792 the first Constitution was adopted; under that Constitution the Sheriffs were elected by the people, and the Governor by the legislature. But in 1793 the people having thought better of the matter, their experience having pointed out the necessity, provided for the formation of a

new Constitution. But what of all this. The people found fault with their first Constitution, and assembled by their representatives to amend it and cure its defects. And what evil resulted from this political movement? Was not this bug bear of slavery as formidable then as now? Aye, and much more so. The question of slavery was fully discussed and considered then; and what evil grew out of it? None whatever. The people met in convention by their representatives, and amended their organic law without strife, and without commotion. The gentleman from Franklin, (Mr. Harlan,) has spoken of the framers of the present Constitution in terms of the highest veneration; and thinks we shall never have so prudent and wise an assembly for such a purpose again. He says the master spirit of that assembly was J. Breckinridge, the friend of Mr. Jefferson, who was the father of Kentucky democracy. I do not know, said Mr. C., what the gentleman means by Kentucky democracy. I do not know what the gentleman understands by the word democracy. But I am not ashamed to avow myself of the true Jeffersonian democracy. And in that sense, I am a democrat. I have in this, for my support, the purest and most devoted patriot in the nation. I allude to our distinguished fellow-citizen, Mr. Clay, who said in 1813, that "the name of Jefferson would be hailed as the second founder of the liberties of the people, and the period of his administration looked back to as the brightest epoch in American history, when the name of his traducers, if remembered at all, would only be remembered in the treasurable annals of a certain jingo." He said further, sir, that in 1801, he snatched from the rade hands of usurpation the violated Constitution of his country; and this was his fault. With the names of such illustrious patriots and apostles of democracy, I would glory in being associated. I should like to be instructed by such masters. Gentlemen say it is very strange that any man should desire a change in the Constitution when it secures the rights of personal liberty, personal security, the rights of private property, and a fair and impartial trial to those who are charged with crime. Does not the British Constitution secure all these rights? Are they not included in the *magna charta* and the *habeas corpus*. This argument is sophistical. The Constitution might be defective and yet secure all these great principles of liberty; but we are told we should not be too fond of change, because frequent changes render the tenure of property insecure. Well, if the people know not how to secure and preserve these rights of property then are we approaching the time when all our liberties will be destroyed. All our boasted checks and balances amount to nothing without wisdom and purity on the part of the people. The gentleman from Franklin (Mr. Harlan) says the defects which have been pointed out in the Constitution, are more imaginary than real, and that most of the evils complained of could be remedied by law. He says the County Court is not by the Constitution composed of Justices of the Peace, and that the legislature might order and direct that Justices of the Peace should not be members of that court. I deny the correctness of this position, and upon the contrary, assert what I believe to be the understanding of nearly all the legal men of the State, when I declare that the Justices of the Peace in each county are *ex officio* members of the County Court, you may increase or diminish the jurisdiction of that court, but you cannot deprive a Justice of the Peace of his seat upon the bench.—The Constitution declares that there shall be such a court, and that the senior Justice shall be Sheriff.

I will, said Mr. C., lay down another principle which, when applied to the present Constitution, discovers to my mind a great and radical defect. I believe firmly that the tenure of all offices in this government should be limited. At stated periods the test of scrutiny should be applied, and if the public servant has been faithful and competent, he has nothing to fear. Besides, sir, as government was instituted for the good of the people, and not for private emolument, no man has a right to complain if he should be dismissed from public service with honor, provided his trust is confided to hands equally faithful and trustworthy. Every judicial officer should be appointed to hold his office during a term of years, if he so long believe himself well; and, when the period of his term should expire, the indications of public sentiment as to the faithful discharge of his duty, would be a sure safeguard against improper re-appointments. I have been told, sir, that in the State of Mississippi, where the Judges are elected by the people, (which, by the way, is a principle I do not advocate,) in a district where a large majority of the people vote with the Democratic party, a Whig Judge has occupied the bench for many years, and that no opponent could possibly defeat his election. I only mention this, Mr. Chairman, to illustrate the position, that a faithful public officer has nothing to fear. I object to the doctrine that declares a public officer shall continue in office for life, unless removed for misdeemeanor or malfeasance in office. Impeachment is a mere *scare-crow*. It never has been resorted to with success, although charges of solicitude magnitude have been often made against the highest officers in the land.

There is now, sir, upon the Clerk's table, a proposition to abolish the Circuit Court system, and establish another with the same powers and jurisdiction. This may have originated in a mal-administration of the laws. These complaints have come from the people, and their representatives, knowing of no other successful mode of removing judges, propose to abolish the Court. Well, sir, gentlemen have talked about the great necessity of the independence of the Judiciary, and have said the Judges should not be appointed for a term, lest they should prostitute their power and influence to the base and ignoble purpose of securing a re-appointment. But, I will ask these gentlemen, which is most likely to base the tenure of the Judges' office, upon the issue of an election, or upon a faithful and correct discharge of his judicial duties? Suppose, sir, you establish the precedent, that whenever you get tired of one set of Judges, you may abolish their Courts and thereby their offices—do you not enable every succeeding Legislature to turn the Judges out, and give to the Executive the patronage of new appointments? And might not the hope of sharing this patronage produce combinations to promote a particular individual to the gubernatorial chair, which would make the tenure of office of every Judge in the Commonwealth depend upon the result of the election? I am opposed to placing the tenure of the Judges upon the result of elections, but I desire the Judges should be appointed for a term. I am not particular about the term, so it is not too long, and they go out of office at the expiration of their term.

It has been seven years since this question of calling a Convention was submitted to the people. At that time, about twenty-eight thousand freemen voted for the call. From this, it is argued, that the people do not want a Convention. The number who voted for a Convention was sufficiently large to command my respect, and as a considerable time has elapsed, I am willing to let the people reconsider the subject. I might as well say to the people, that I will not allow you to exercise the glorious right of suffrage in any other particular as in this. It is the mode pointed out by which they shall express their continued approbation of their organic law.

But I come, Mr. Chairman, at last, to the grand inquiry, who will bring about so many evils, if a Convention should be called? and who will these evils affect? Would the people pull down the fabric of liberty? Would they destroy the fair temple of

freedom, which was reared by their illustrious and philanthropic ancestors? and which has been long preserved from injury and decay by the bold and honest hearts and strong hands of their descendants? Shall we imagine such fatuity, or so much moral degeneracy amongst the descendants of those brave and magnanimous heroes of '76, who sacrificed all earthly blessings to obtain and transmit to their children the glorious boon of liberty? God forbid that I should think so meanly of the proud yeomanry of my country. No, sir, you may blot out the Constitution, and burn every statute, until every vestige of the form of our government and the character of our laws are destroyed, and the independent and intelligent citizens of this glorious Commonwealth would show themselves capable of erecting another fabric, in which all the great rights of man would be secure, and the principles of republicanism perpetuated to future generations. The beautiful form of free government, and the character of equal laws, are deeply impressed upon the hearts of the people, and no revolution, but that which unmakes the moral character, or destroys the intellectual, can ever erase or obliterate that impression.

We have been gradually moving on from the first effort at republicanism to more perfection in the great science of government. The political history of our country establishes the principle, that all men have an equal right to political power, and this is upon the experimental fact, that the people are capable of self-government. I should be sorry, Mr. Chairman, to be compelled to think that we have so far degenerated from the virtues of our forefathers, as to be incapable of discussing soberly and calmly any proposition that relates to the great theory of government. I hope and believe, that when the emergency arises, the people of this age will, by their wisdom and patriotism, prove themselves the worthy descendants of illustrious sires.

## REMARKS OF MR. HARLAN, OF FRANKLIN,

In the House of Representatives, Friday, January 23d, 1846, pending the bill entitled, an act to reduce the salaries of the Judges, &c.

[The question being on the adoption of the amendment offered by the gentleman from Harrison, Mr. Desha, to-wit: to strike out the words, "except the Judge of the 5th Judicial District, who shall receive \$1,250."]

Mr. HARLAN said, at the hour of adjournment yesterday, he was about to submit his reasons for opposing this bill; and he would beg leave briefly to do so now, although he could not hope that his conclusions would greatly influence the House. But, before going directly into the consideration of the question, he desired to call attention to the history of the subject, as exhibited in the salaries received by the Judges at various periods, since the organization of the government; and from hence a conclusion might be drawn, whether, taking every thing into consideration, the salaries now allowed to the Judges, should be diminished or not.

In the year 1802, the State was composed of 14 counties, and the Circuit system, by the act of December 24, of that year, was extended over 24 of these counties, and these were divided into nine districts. In December, 1804, the system was extended over the remaining ten counties, and another Judge appointed. In 1808, the State was divided into ten districts, there being 50 counties. In 1816, by the act of Feb. 3, of that year, the salary of the Circuit Judges was fixed at \$1,200, their number having been increased to twelve. In 1820, the 13th district was established; and in 1821, the 14th and 15th districts were established; and in 1831, the 16th district was established, to embrace the counties West of the Tennessee river. During the session of 1839-40, the 17th district was established—during the session of 1840-41, the 18th, and during that of 1841-42, the 19th—which was the present number of Judicial Districts in the State—49 counties, and 19 Judicial Districts—five counties to one Judge; whereas, in 1802, there were nine Judges to 34 counties.

By the act of February 3, 1816, the salary of the Circuit Judges was fixed at \$1,200. By the act of December 17th, 1823, their salary was reduced to \$1,000. Mr. H. had no personal knowledge of the causes which produced this reduction; but he regarded it as a part of the history of the parties then existing in the State, and growing out of the contest between the adherents to the Old Court and the New Court. However, when the re-organizing act was passed, in 1821, the salary of the Judges of the Court of Appeals was increased by the New Court party, to \$2,000, and the question being referred to the people, resulted in the return of a large majority of Representatives, who were opposed to that act. But the majority in the Senate still withstood its repeal.

Mr. WORTHAM submitted whether it were in order for the gentleman from Franklin to discuss the merits of the bill, when the question was confined to a motion to strike out a particular clause. But the Speaker, amid the cries of go on, go on, overruled the point, and

Mr. H. proceeded. He regarded this reduction of the salary of the Circuit Judges, in 1823, as originating out of the peculiar history of those times. In 1823, a majority of the members of the lower branch of the Legislature were elected and under instructions from the people, to repeal the re-organizing act. But when it was ascertained that the Senate would not go with the public sentiment, and it became necessary to await the result of another election, to accomplish the repeal of the re-organizing act, it was then, that the salaries of the Circuit Judges were reduced by a vote of parties in this House, in order to operate on the election campaign of 1825. So that it might be said, (as it was in truth the case,) that the Old Court party were opposed to the increase of the salary of the Judges of the Court of Appeals, and in favor of economizing, &c. We all know, said Mr. H., the difficulties in the way of raising salaries—and especially, the salaries of the Judges. And hence their salary remained at \$1,000, till by the act of February 13, 1837, it was increased to \$1,500. But three years ago, when there was great pecuniary distress, every thing in the way of produce and provisions were low, and money was scarce—when a proposition had been introduced into, and passed this house for the establishment of a new Bank, he had forgotten its name, (a voice, the Safety Fund,) when this Safety Fund project was threatening to flood the country with its worthless issues—and whilst it required a compromise with the State Banks, by which their loans were extended to defeat this project of relief—it was at such a time, that a Representative in this House from Montgomery county, (Mr. Bondurant,) whose darling measure was a reduction of the salaries of the officers of government, introduced his bill; and amongst numerous reductions and curtailments, succeeded in cutting down the Judges' salary to \$1,250. It was understood then, that the Judges' salary was brought down to the very lowest point, it being nearly the same as that fixed and allowed by the act of February 3, 1816. So this thing had remained down to the present time. At the same time, also, the salary of the Louisville Judge was reduced from \$2,







